

Case: 1:03-cv-00455

Anthony Nesbit  
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P.O. Box 388  
Tutwiler, MS 38963

*From*  
*Dependents exhibit A. excerpts*

**DECLARATION OF GARY KAPLAN**

3. housing assignments although the Warden does have the final authority in the housing of inmates. Saia Finau was at all times material hereto the Chief of Security for the Halawa
6. A Close Custody classification implies that the inmate may have a propensity toward violence and therefore requires a higher security setting. The Close Custody classification may be made upon initial classification when entering the Halawa Correctional Facility or at any later time when it becomes appropriate. Plaintiffs were classified as close custody due to the violence of the crimes they had committed and were sentenced for and/or the length of the mandatory minimum sentence yet to be served;
9. In the general population within the prison, it has been our experience that gang members and non-gang members co-exist with no noticeable increase in violence. There has been a noticeable increase in violence between members of rival prison gangs. Those who demonstrate the propensity to violence are usually reclassified to Close Custody and transferred to the high security facility in the same way that we would respond to a non-gang member who demonstrates violent characteristics.

*Exhibit G.*